

PRESIDENTIAL TRANSITION ACT OF 1963

HEARING
BEFORE A
SUBCOMMITTEE OF THE
COMMITTEE ON
GOVERNMENT OPERATIONS
HOUSE OF REPRESENTATIVES
EIGHTY-EIGHTH CONGRESS

FIRST SESSION

ON

H.R. 4638

**TO PROMOTE THE ORDERLY TRANSFER OF THE EXECUTIVE
POWER IN CONNECTION WITH THE EXPIRATION OF THE
TERM OF OFFICE OF A PRESIDENT AND THE INAUGURATION
OF A NEW PRESIDENT**

APRIL 24, 1963

Printed for the use of the Committee on Government Operations



U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1963

97506

COMMITTEE ON GOVERNMENT OPERATIONS

WILLIAM L. DAWSON, Illinois, *Chairman*

CHET HOLIFIELD, California	R. WALTER RIEHLMAN, New York
JACK BROOKS, Texas	GEORGE MEADER, Michigan
L. H. FOUNTAIN, North Carolina	CLARENCE J. BROWN, Ohio
PORTER HARDY, Jr., Virginia	FLORENCE P. DWYER, New Jersey
JOHN A. BLATNIK, Minnesota	ROBERT P. GRIFFIN, Michigan
ROBERT E. JONES, Alabama	GEORGE M. WALLHAUSER, New Jersey
EDWARD A. GARMATZ, Maryland	JOHN B. ANDERSON, Illinois
JOHN E. MOSS, California	RICHARD S. SCHWEIKER, Pennsylvania
DANTE B. FASCELL, Florida	OGDEN R. REID, New York
HENRY S. REUSS, Wisconsin	FRANK J. HORTON, New York
JOHN S. MONAGAN, Connecticut	BILL STINSON, Washington
RICHARD E. LANKFORD, Maryland	ROBERT McCLODY, Illinois
TORBERT H. MACDONALD, Massachusetts	
J. EDWARD ROUSH, Indiana	
WILLIAM S. MOORHEAD, Pennsylvania	
CORNELIUS E. GALLAGHER, New Jersey	
WILLIAM J. RANDALL, Missouri	
BENJAMIN S. ROSENTHAL, New Jersey	

CHRISTINE RAY DAVIS, *Staff Director*

JAMES A. LANIGAN, *General Counsel*

MILES Q. ROMNEY, *Associate General Counsel*

MALCOLM K. EDWARDS, *Minority Professional Staff*

J. P. CARLSON, *Minority Counsel*

EXECUTIVE AND LEGISLATIVE REORGANIZATION SUBCOMMITTEE

WILLIAM L. DAWSON, Illinois, *Chairman*

HENRY S. REUSS, Wisconsin	CLARENCE J. BROWN, Ohio
BENJAMIN S. ROSENTHAL, New York	JOHN B. ANDERSON, Illinois
CHET HOLIFIELD, California	R. WALTER RIEHLMAN, New York

Ex officio

ELMER W. HENDERSON, *Counsel*

ARTHUR PERLMAN, *Investigator*

SALIG L. BENDIT, *Staff Member*

VERONICA B. JOHNSON, *Clerk*

IRENE D. MANNING, *Clerk*

CONTENTS

	Page
H.R. 4638, 88th Cong., 1st sess-----	1
Statement of:	
Alexander, Herbert E., White House consultant; former Executive Director of the President's Commission on Campaign Costs-----	21
Brawley, H. W., executive assistant to John Bailey, Democratic Na- tional Committee chairman-----	17
Fascell, Hon. Dante B., a Representative in Congress from the State of Florida-----	4
Seidman, Harold, Acting Assistant Director for Management and Or- ganization, Bureau of the Budget-----	25
Staats, Elmer B., Deputy Director, Bureau of the Budget-----	9
Staebler, Hon. Neil, a Representative in Congress from the State of Michigan-----	7
Letters and statements, etc., submitted for the record by—	
Brawley, H. W., executive assistant to John Bailey, Democratic Na- tional Committee chairman:	
Excerpt from H.R. 4638-----	18, 19
Statement of John Bailey-----	17
Miller, Hon. William E., a Representative in Congress from the State of New York, and chairman, Republican National Committee:	
Letter from Hon. William E. Miller, to Hon. William L. Dawson, April 23, 1963-----	27
Statement-----	27
Staats, Elmer B., Deputy Director, Bureau of the Budget: Excerpt of message from President Truman, to General Eisenhower shortly after the 1952 election-----	12
Staebler, Hon. Neil, a Representative in Congress from the State of Michigan: Excerpt from a report by the Commission on Cam- paign costs-----	8

APPENDIX

Reports from departments and agencies:	
Comptroller General of the United States-----	29
U.S. Civil Service Commission-----	30
General Services Administration-----	31
Post Office Department-----	32

III

PRESIDENTIAL TRANSITION ACT OF 1963 (H.R. 4638)

WEDNESDAY, APRIL 24, 1963

HOUSE OF REPRESENTATIVES,
EXECUTIVE AND LEGISLATIVE
REORGANIZATION SUBCOMMITTEE
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, D.C.

The subcommittee met at 10:15 a.m., in room 1501-B, Longworth Building, Hon. William L. Dawson (chairman) presiding.

Present: Representatives William L. Dawson, Benjamin S. Rosenthal, Clarence J. Brown, and John B. Anderson.

Also present: Elmer W. Henderson, subcommittee counsel; James A. Lanigan, counsel, Committee on Government Operations; and J. P. Carlson, minority counsel.

Chairman DAWSON. The subcommittee will kindly come to order.

We have before us for consideration this morning H.R. 4638, introduced by our colleague, Congressman Dante B. Fascell of Florida. This bill is designed to promote the orderly transfer of the executive power in connection with the expiration of the term of office of a President and the inauguration of a new President. It was recommended to the Congress by President Kennedy and is based on a report of the President's Commission on Campaign Costs.

In essence, the bill authorizes the General Services Administration to ascertain the successful candidates following the general elections and to provide office space, compensation to staff personnel and experts, travel expenses and other services to the President-elect and Vice-President-elect.

The bill also authorizes certain necessary office space and services to outgoing Presidents and Vice Presidents to enable them to wind up their affairs. A similar bill was reported by the Committee with amendments in the 87th Congress but was not acted upon by the House.

(The bill, H.R. 4638, follows:)

[H.R. 4638, 88th Cong., 1st sess.]

A BILL To promote the orderly transfer of the executive power in connection with the expiration of the term of office of a President and the inauguration of a new President

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Presidential Transition Act of 1963."

PURPOSE OF THIS ACT

SEC. 2. The Congress declares it to be the purpose of this Act to promote the orderly transfer of the executive power in connection with the expiration of the term of office of a President and the inauguration of a new President. The

national interest requires that such transitions in the office of President be accomplished so as to assure continuity in the faithful execution of the laws and in the conduct of the affairs of the Federal Government, both domestic and foreign. Any disruption occasioned by the transfer of the executive power could produce results detrimental to the safety and well-being of the United States and its people. Accordingly, it is the intent of the Congress that appropriate actions be authorized and taken to avoid or minimize any disruption. In addition to the specific provisions contained in this Act directed toward that purpose, it is the intent of the Congress that all officers of the Government so conduct the affairs of the Government for which they exercise responsibility and authority as (1) to be mindful of problems occasioned by transitions in the office of President, (2) to take appropriate lawful steps to avoid or minimize disruptions that might be occasioned by the transfer of the executive power, and (3) otherwise to promote orderly transitions in the office of President.

SERVICES AND FACILITIES AUTHORIZED TO BE PROVIDED TO PRESIDENTS-ELECT AND VICE-PRESIDENTS-ELECT

SEC. 3. (a) The Administrator of General Services, referred to hereafter in this Act as "the Administrator," is authorized to provide, upon request, to each President-elect and each Vice-President-elect, for use in connection with his preparations for the assumption of official duties as President or Vice President necessary services and facilities, including—

(1) Suitable office space appropriately equipped with furniture, furnishings, office machines and equipment, and office supplies, as determined by the Administrator, after consultation with the President-elect, the Vice-President-elect, or their designee provided for in subsection (e) of this section, at such place or places within the United States as the President-elect or Vice-President-elect shall designate;

(2) Payment of the compensation of members of office staffs designated by the President-elect or Vice-President-elect at rates determined by them not to exceed the rate provided by the Classification Act of 1949, as amended, for grade GS-18: *Provided*, That any employee of any agency of any branch of the Government may be detailed to such staffs on a reimbursable or nonreimbursable basis with the consent of the head of the agency; and while so detailed such employee shall be responsible only to the President-elect or Vice-President-elect for the performance of his duties: *Provided further*, That any employee so detailed shall continue to receive the compensation provided pursuant to law for his regular employment, and shall retain the rights and privileges of such employment without interruption. Notwithstanding any other law, persons receiving compensation as members of office staffs under this subsection, other than those detailed from agencies, shall not be held or considered to be employees of the Federal Government;

(3) Payment of expenses for the procurement of services of experts or consultants or organizations thereof for the President-elect or Vice-President-elect, as authorized for the head of any department by section 15 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. 55a), at rates not to exceed \$100 per diem for individuals;

(4) Payment of travel expenses and subsistence allowances for members of office staffs or other assistants, including experts or consultants, designated by the President-elect or Vice-President-elect, as authorized for persons employed intermittently or for persons serving without compensation by section 5 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. 73b-2), as may be appropriate;

(5) Communications services found necessary by the President-elect or Vice-President-elect;

(6) Payment of expenses for necessary printing and binding, notwithstanding any provision of law codified in title 44, United States Code, or any regulation promulgated thereunder;

(7) Reimbursement to the postal revenues in amounts equivalent to the postage that would otherwise be payable on mail matter referred to in subsection (d) of this section.

(b) The Administrator shall expend no funds for the provision of services and facilities under this Act in connection with any obligations incurred by the President-elect or Vice-President-elect before the day following the date of the general elections held to determine the electors of President and Vice President in accordance with title 3, United States Code, sections 1 and 2, or after the in-

inauguration of the President-elect as President and the inauguration of the Vice-President-elect as Vice President.

(c) The terms "President-elect" and "Vice-President-elect" as used in this Act shall mean such persons as are the apparent successful candidates for the office of President and Vice President, respectively, as ascertained by the Administrator following the general elections held to determine the electors of President and Vice President in accordance with title 3, United States Code, sections 1 and 2.

(d) Each President-elect shall be entitled to conveyance within the United States and its territories and possessions free of postage of all mail matter sent by him in connection with his preparations for the assumption of official duties as President, and such mail matter shall be transmitted as penalty mail as provided in title 39, United States Code, section 4152. Each Vice-President-elect shall be entitled to conveyance within the United States and its territories and possessions free of postage of all mail matter sent by him under his written autograph signature in connection with his preparations for the assumption of official duties as Vice President.

(e) Each President-elect and Vice-President-elect may designate to the Administrator an assistant authorized to make on his behalf such designations or findings of necessity as may be required in connection with the services and facilities to be provided under this Act. Not more than 20 per centum of the total expenditures under this Act for any President-elect or Vice-President-elect may be made upon the basis of a certificate by him or the assistant designated by him pursuant to this section that such expenditures are confidential and that they accord with the provisions of subsections (a), (b), and (d) of this section.

(f) In the case where the President-elect is the incumbent President or in the case where the Vice-President-elect is the incumbent Vice President, there shall be no expenditures of funds for the provision of services and facilities to such incumbent under this Act, and any funds appropriated for such purposes shall be returned to the general funds of the Treasury.

SERVICES AND FACILITIES AUTHORIZED TO BE PROVIDED TO FORMER PRESIDENTS AND FORMER VICE PRESIDENTS

SEC. 4. The Administrator is authorized to provide, upon request, to each former President and each former Vice President, for a period not to exceed six months from the date of the expiration of his term of office as President or Vice President, for use in connection with winding up the affairs of his office, necessary services and facilities of the same general character as authorized by this Act to be provided to Presidents-elect and Vice-Presidents-elect and as authorized by the Act of August 25, 1958 (72 Stat. 838; 3 U.S.C. 102, note), and such services and facilities shall be in addition to those authorized by the latter Act.

AUTHORIZATION OF APPROPRIATION

SEC. 5. There are hereby authorized to be appropriated to the Administrator such funds as may be necessary for carrying out the purposes of this Act. The President shall include in the budget transmitted to the Congress, for each fiscal year in which his regular term of office will expire, a proposed appropriation for carrying out the purposes of this Act.

Chairman DAWSON. Our witnesses today include the author of the bill, the Deputy Director of the Bureau of the Budget, a former member and also the former Executive Director of the President's Commission on Campaign Costs.

We invited the chairmen of both the Republican and Democratic National Committees to be present and inform us of their views on this legislation inasmuch as the cost incurred during a transition period is borne by the President-elect's party organization. Congressman Miller, the chairman of the Republican National Committee, advised us only yesterday that he would not be able to appear but would send a statement. The Democratic National Committee will be represented by the executive assistant to the chairman.

Our first witness will be Hon. Dante B. Fascell, the author of the bill.

**STATEMENT OF HON. DANTE B. FASCELL, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF FLORIDA**

Mr. FASCELL. Thank you, Mr. Chairman.

I appear here this morning with mixed emotions, having served so many years on this subcommittee. I welcome the opportunity, however, to be here as a witness in support of the legislation which we considered last year, as the chairman has pointed out.

The "Presidential Transition Act of 1963" is similar to the bill which I introduced in the 87th Congress.

This bill was introduced by me to carry out a recommendation made to the Congress by President Kennedy on May 29, 1962, along with certain other proposals dealing with the financing of presidential election campaigns. The various proposals resulted from a study and report prepared by the President's Commission on Campaign Costs. This was a bipartisan committee made up of members with varied and extensive experience in political finance, such as Alexander Heard, Chairman; V. O. Key, Jr.; Dan Kimball; Malcolm C. Moos; Paul A. Porter; Neil O. Staebler; Walter N. Thayer; John M. Vorys; and James C. Worthy. We have a present Member of the Congress and former Members of the Congress who were members of that Commission.

The bill deals with transfer of Executive power when there is to be a change of administration. It is related to the problem of campaign financing because it was estimated by the Commission that in 1952-53, the cost to a special Republican committee of the transition period between the election and the inauguration of President Eisenhower exceeded \$200,000. In 1960-61 the cost to the Democratic National Committee for the transition period preceding the inauguration of President Kennedy totaled at least \$360,000.

These figures cover only a proportion of the costs involved in the transition period between changes of administration. During this time the President-elect must select his Cabinet, the Ambassadors to man diplomatic posts all over the world, top echelon administrative officials, as well as key personnel to staff governmental and White House executive offices.

Some of the individuals chosen by the President-elect to fill crucial roles in the construction and maintenance of the new administration, in the past, have been able to do so only at considerable personal sacrifice. Transportation of such individuals is, in itself, an expensive item. Housing during the conference period is also costly. When the conferences end in an appointment, the new appointee in most cases must incur hotel expenses until permanent housing is procured. The requirement to work without pay for 2 or 3 months while incurring the increased personal expenditures is an unreasonable demand upon persons of limited means. Some of the special studies requested by President-elect Kennedy were produced through the generosity of his consultants, not only with respect to their own time but with respect to the substantial clerical and administrative costs as well. It is estimated that such costs in 1960-61 totaled almost \$1 million, in addition to the \$360,000 payment by the Democratic National Committee. So that we have a total cost of a million and a

quarter or a million and a half dollars estimated to execute the transition.

The time has long since passed when an American President may dispense with all but a few preliminaries in assuming office. The size and complexity of today's Federal Government, the pressing domestic and international problems facing the President, all combine to make it imperative that the machinery of transition be as efficient as possible and sufficient resources available for the required orientation of the new leader.

This orientation can only be provided by the outgoing administration. Therefore, it must be recognized as a legitimate function of government and a legitimate expense of government. Under present conditions, a new President, in one sense, begins working for the Government the morning after the election.

It is understood that both President-elect Eisenhower and President-elect Kennedy were given the cooperation of their predecessors and access to needed information. This is a tribute to the intelligent and friendly attitude of all these gentlemen. But at this period of our history, I believe it more fitting that we establish a formal process supported by law. Rather than leave this important matter to the discretion or whim of the individuals concerned, it would seem wisdom to guard against the dangers of noncooperation, remote as they may be. ~~Under certain circumstances, such as a campaigning incumbent defeated by the President-elect in a hard-fought campaign, such dangers could arise.~~

I submit that the vital transition of Executive power from the outgoing to the incoming administration is a matter of bipartisan national interest. The use of political party funds for such an activity is not desirable. Nor can we escape the fact that there is a lack of dignity in a system which requires party solicitors to seek out private funds to support the necessary activities of the President-elect of the United States.

Briefly, the bill I am bringing before you does the following:

Section 1 gives the title: "The Presidential Transition Act of 1963."

Section 2 declares its purpose to promote the orderly transfer of Executive power during the several months of transition from one administration to the other.

Section 3 authorizes certain services to be provided by the General Services Administration to the President-elect and Vice-President-elect, such as office space, compensation for staff personnel and experts, travel expenses, and so forth.

Section 4 authorizes necessary services, office space, and so forth to outgoing Presidents and Vice Presidents for 6 months following the expiration of their terms.

Section 5 authorizes the Congress to appropriate such funds as may be necessary to carry out the purposes of the act.

In conclusion, Mr. Chairman, may I draw your attention to the fact that this bill to provide Federal Government funds for the vital transition of Executive power from the outgoing to the incoming administration has received the endorsement of President Kennedy and former Presidents Harry S. Truman and Dwight D. Eisenhower,

as well as former Presidential Candidates Thomas E. Dewey, Adlai E. Stevenson, and Richard M. Nixon.

John M. Bailey and Congressman William E. Miller, the chairmen of the two major political parties, have also lent their full endorsement and support to the measure.

Mr. Chairman, I believe I would only want to add this since the committee has fully considered this matter last year and this bill is substantially the same. The question of the limitation on the authorization arose last time.

The committee, in its judgment, put a limitation of \$750,000. It is our purpose here this morning in the testimony which is to be presented to this subcommittee to show that in our judgment such a limitation is not sufficient. As I have pointed out, it is estimated that better than a million and a quarter dollars are needed for the transition. If we are going to have a limitation, at least let's make the limitation one which is sufficient.

Certainly there is ample safeguard, regardless. I start out with the thought in mind that there should be no authorization limitation. There is enough protection in the appropriation process. There is sufficient protection in the bill itself. The bill provides that no funds will be available to an incumbent if he is reelected. Certainly on the change of administration, the authorization should be sufficiently high so that the necessary actions envisioned by the act could be funded. But with the safeguards mentioned, I see no reason to have any limitation. The estimated costs of the expenses will be further alluded to by the distinguished witnesses who will follow me: the Bureau of the Budget, the Executive Director of the Commission of Campaign Costs, and the Democratic National Committee representative, Mr. Brawley.

It is our hope, I emphasize, that the subcommittee see fit not to place a limitation on the authorization.

Chairman DAWSON. Mr. Rosenthal?

Mr. ROSENTHAL. Thank you, Mr. Chairman.

Mr. Fascell, is there a limitation in the authorization in the bill as it is written now?

Mr. FASCELL. No, there is not.

Mr. ROSENTHAL. Was there one last year?

Mr. FASCELL. Last year it was added by the subcommittee.

Mr. ROSENTHAL. I have no further questions, Mr. Chairman.

Chairman DAWSON. Mr. Anderson?

Mr. ANDERSON. Mr. Fascell, you have indicated that this bill carries no benefits for a President who might be reelected. Can I glean some hope from the fact that you are introducing this legislation that you think we might have need of it in 1964 or thereafter?

Mr. FASCELL. Of course, you are entitled to your own assumptions any time. I certainly couldn't concur in your assumptions.

Mr. ANDERSON. In a more serious vein, if there were a change in the vice presidential candidate of 1964, in other words, if you had the same President going back into office but you had another Vice President, would this bill authorize him some money then in connection with—

Mr. FASCELL. Not in my judgment, but you can make it real clear in the committee report that that was the intent. Or if the language is not sufficient, we can correct the language. I would agree with you

that I would see no reason for any special consideration of a new Vice-President-elect if the President-elect is the incumbent.

Mr. ANDERSON. In other words, with a different Vice President, you don't think he should be entitled to draw any funds under this?

Mr. FASCELL. No. The witnesses who follow me may disagree with me. If he is of the same party and a new Vice President, I see no reason for that. He would have everything at his disposal that he needs.

Mr. ANDERSON. You say this represents the identical legislation on which we conducted hearings last year?

Mr. FASCELL. Unless there are some minor technical changes, Mr. Anderson. I believe it does.

Mr. ANDERSON. I have no further questions.

Chairman DAWSON. Are there any other questions?

Any questions from the audience to this witness?

We have some young people here and I imagine they are interested in government. This is going to represent a change in our mode of procedure. So if you have any questions in your mind at this time, we would be delighted to have the benefit of them.

Mr. FASCELL. Mr. Chairman, it is one thing to be prepared to answer interrogatories from your colleagues. It is quite another thing to be prepared to answer interrogatories from intelligent students. [Laughter.]

Chairman DAWSON. Realizing your ability—

Mr. FASCELL. After making that statement, you will probably never let me back in again.

Chairman DAWSON. Realizing your ability, we will be happy to hear from you at any time.

Since there are no further questions, our next witness will be the Honorable Neil Staebler, Congressman from Michigan, a former member of the President's Commission on Campaign Costs.

STATEMENT OF HON. NEIL STAEBLER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MICHIGAN

Mr. STAEBLER. Thank you very much, Mr. Chairman and members of the subcommittee. I appreciate this opportunity to say a few words on behalf of H.R. 4638. I am delighted that Representative Dante Fascell introduced a bill and that hearings are being held on it.

I have a one-ninth pride of authorship behind the bill for I was a member of the President's Committee on Campaign Costs as you have mentioned, which just about a year ago made its report to the President.

I was pleased that President Kennedy established the commission to make recommendations with respect to matters of political finance. Though the commission's jurisdiction was restricted to matters relating to the election of the President and Vice President, the problems of campaign finance are serious at all levels.

I have been Democratic State chairman of Michigan and I appreciate the need for money to carry on political activity and know firsthand the difficulties in raising it.

I was honored to be a member of the Commission on Campaign Costs. Each member of the Commission brought much to its deliberations, and I have pleasant memories having been associated with its members, Alexander Heard, Chairman, V. O. Key, Jr., Dan Kimball, Malcolm Moos, Paul Porter, Walter Thayer, John Vorys, James Worthy. I need hardly remind you that this was a bipartisan committee.

I think the Commission presented a useful and constructive series of recommendations, all of which should command the serious attention of the Congress.

At this time I want to speak on the subject of the Presidential Transition Act.

One of the distinguishing characteristics of a democracy is its ability to peaceably with a minimum of disruption pass governmental power from hand to hand. Americans should be gratified that the Presidential power has generally been conveyed from administration to administration, from party to party, smoothly and often very graciously. The Commission report states in part, and this is quoted:

We endorse proposals to institutionalize the transition from one administration to another when the party in power changes. Important reasons for doing so exist wholly aside from the costs to the parties. The new President must select and assemble the staff to man his administration, and they in turn must prepare themselves for their new responsibilities.

We need to institutionalize the period of changeover because in our age of persistent international and domestic problems we cannot risk discontinuity or disruption in the affairs of government.

Clearly, it is in the public interest to provide Federal funds to insure that political power will be conveyed in an efficient, effective, and reasonable manner. The President-elect must be prepared for all eventualities once he assumes office, and it is manifestly in the public interest to provide funds to help him prepare to assume his weighty responsibilities.

He needs staff, he needs counsel, and above all, he should not need to worry about the need for funds to do the things he considers necessary before assuming office.

Mr. Chairman, I hope this bill will be enacted by both Houses this session. If I may enter a personal note and perhaps respond to Mr. Anderson, I trust there will not be a new President-elect in 1964-65, and the provisions of the bill will not come into play.

On the other hand, when there is next a changeover, as there must be in 1968, I hope this bill will be law so that no future President-elect and Vice-President-elect will need to rely, as in the past, either on their own resources or those of their friends or party.

I hope that transportation, living costs, per diem of future appointees to the high position of Government, consultants, and experts, will be paid by the Federal Government.

And I hope that adequate administrative and clerical help will be made available along with ample office space and facilities.

In fact, I would go a bit further than this bill and suggest that the Blair House be made available by law for the use of the President-elect, and that he have access to other Government facilities while preparing to take office.

This committee may wish to consider an amendment to the bill to provide for such uses of Blair House and other facilities of the Federal Government.

Thank you very much, gentlemen.

Chairman DAWSON. Thank you, Mr. Staebler.

Mr. ROSENTHAL. The only thought I had, Mr. Staebler, in a light vein, in view of the fact Blair House is mentioned, do you think passage of that bill will affect real estate values in Georgetown?

Mr. STAEBLER. It is hard to conceive that they can go higher.

Mr. ROSENTHAL. I have no further questions, Mr. Chairman.

Chairman DAWSON. Mr. Anderson?

Mr. ANDERSON. I have none.

Chairman DAWSON. Thank you, Mr. Staebler. Our next witness will be Mr. Elmer B. Staats, Deputy Director of the Bureau of the Budget.

STATEMENT OF ELMER B. STAATS, DEPUTY DIRECTOR, BUREAU OF THE BUDGET

Mr. STAATS. Mr. Chairman, I appeared before this committee last year in support of this legislation. I am very pleased to be back here today to testify further in behalf of its enactment.

This bill is to be known as the Presidential Transition Act of 1963. A substantially identical bill (H.R. 12479), was recommended for passage, with amendments, by this committee in the latter stages of the last Congress.

H.R. 4638 is based upon a bill drafted in the executive branch and transmitted to the Congress by the President on May 29, 1962. It was one of the recommendations of the President's Commission on Campaign Costs. The Commission, which was established by Executive Order 10974 of November 8, 1961, transmitted its report to the President on April 18, 1962.

The stated purpose of the bill in section 2 is to promote the orderly transfer of the Executive power in connection with the expiration of the term of office of a President and the inauguration of a new President. It is intended to help in assuring that there is continuity in the conduct of the affairs of the Government and in the faithful execution of the laws and to meet some of the practical difficulties that are occasioned by the transfer of the Executive power.

The purpose includes a congressional declaration of intent that all officers of the Government should, within the scope of their responsibility and authority, promote orderly transitions.

Section 3 of the bill authorizes the Administrator of General Services to provide, upon request, to the President-elect and the Vice-President-elect, necessary facilities and services for their use in preparing to assume their new duties. Such facilities and services would include:

(1) Office supplies and office space located at places within the United States requested by the President-elect and Vice-President-elect.

(2) Payment of compensation to members of office staffs at rates not to exceed that provided for employees in grade GS-18. In addition, the President-elect and Vice-President-elect would be authorized

7

to obtain the services by detail of employees already in the Government, with the consent of their respective agency heads, on a reimbursable or nonreimbursable basis.

Employees so detailed would continue to receive their regular compensation and retain all the rights and privileges of Federal employment without interruption. Members of the office staffs who are not on detail from Government agencies would not be considered employees of the Federal Government, except for purposes of the Civil Service Retirement Act, the Federal Employees Health Benefit Act of 1959 and the Federal Employees' Group Life Insurance Act of 1954.

(3) Payment of expenses for procurement of services of experts or consultants for the President-elect or Vice-President-elect, at rates not to exceed \$100 per diem for individuals, under the provisions of the Administrative Expenses Act of 1946. This is the authority generally available to the heads of departments to procure such services.

(4) Payment of travel expenses and subsistence allowances as authorized for persons employed intermittently or serving without compensation by the Administrative Expenses Act of 1946.

(5) Provision of necessary communications services.

(6) Payment of necessary printing and binding expenses.

(7) Reimbursement to the postal revenues for mailing expenses incurred by the President-elect or Vice-President-elect.

Expenditures for services and facilities provided to the President-elect and the Vice-President-elect would be limited to obligations incurred during the actual Presidential transition period; that is, from the day after the general elections to the day of the inauguration. If the incumbent President or Vice President is reelected there would be no expenditure of funds under the act for such incumbent, since there would be no necessity for him to prepare to assume office. Any unused appropriated funds would, of course, be returned to the general fund of the Treasury.

The Former Presidents Act, enacted in 1958, authorizes for each former President, as long as he shall live, an annual monetary allowance, an office staff, suitable office space, and franked mailing privileges. Section 4 of H.R. 4638 permits the Administrator of General Services to provide, upon request, an augmentation of the limited services and facilities already available under the act to each former President to assist in winding up the affairs of his office for the 6-month period immediately upon leaving office. The bill also provides for such services and facilities to each former Vice President for a 6-month period to wind up the affairs of his office. No authority now exists to provide services and facilities to former Vice Presidents.

The General Services Administration has proposed that the bill be amended to defer the effective date for the availability of services under the Former Presidents Act until the expiration of the 6-month period to be covered by the provisions of this bill. We believe that this amendment is desirable in the interest of administrative convenience and simplicity. A number of other technical amendments have been proposed by the General Services Administration, by the Civil Service Commission, and by the Post Office Department. We believe that those are also desirable.

H.R. 4638 provides for only reasonable and justifiable services and facilities and contains safeguards against their possible misuse. The

language of the bill is quite simple and the provisions of the bill contain substantial flexibility to meet varying needs and situations. For example, while the bill would not specifically provide for the expenses of designees for positions of agency heads, where necessary such persons could be appointed as members of the President-elect's staff, or as consultants.

The bill authorizes the appropriation to the Administrator of General Services of funds necessary to carry out the purposes of the act. The President is required to propose in the budget an amount to carry out the purposes of the act for each fiscal year in which the regular presidential term of office would expire; that is, every 4 years.

Since the 20th amendment to the Constitution advanced the date of inaugurations to January 20, we have had two elections which resulted in a change of administration. In 1952-53, after General Eisenhower's election, and in 1960-61, after President Kennedy's election, the transitions were, in most essential respects, effected smoothly and resulted in no significant loss of continuity in executive affairs.

In these cases, persons were promptly designated by the outgoing President to conduct discussions and exchange information with the incoming administration. President Truman and President Eisenhower both invited the President-elect to designate representatives to be briefed on the status of important governmental programs and issues. These Presidents instructed the department and agency heads to work cooperatively with representatives of the President-elect.

The President-elect in each case named representatives to undertake such discussions and briefings within a few days after the election. In these two cases an excellent pattern for the orderly transfer of Executive power has been set. It is the purpose of this bill to provide that the mechanism which has worked well on an informal basis become a regular part of our governmental procedures.

In both 1952 and 1960 the incoming administrations had to improvise arrangements to meet the President-elect's requirements for financing staff and services during the transition period. As indicated in "Presidential Transitions," a book written by Laurin Henry and published in November 1960, by the Brookings Institution, support of the President-elect's staff has, in the past, been provided principally out of party campaign funds or individual contributions. It has been estimated that a special Republican committee expended in excess of \$200,000 in 1952-53 and that the Democratic National Committee spent over \$360,000 in 1960-61.

The heavy burden of work which must be performed in the short period available to the President-elect, if he is to prepare adequately for assuming the complex responsibilities of the Presidency, accounts for the substantial costs of transition. Even with these expenditures by the political party organizations some individuals selected to fill crucial posts in the new administration have been able to do so only at considerable personal sacrifice. The requirement to work without pay for 2 to 3 months while incurring the increased personal expenditures caused by absence from the family residence is an unreasonable demand upon persons of limited means.

Many of the special studies requested by President-elect Kennedy were produced through the generosity of the persons involved, not only with respect to their own time but with respect to the substantial

clerical and administrative costs as well. Thus the full costs of the incoming administration were greatly in excess of the estimated \$360,000 expense which was borne by the Democratic National Committee.

Enactment of H.R. 4638 would contribute to the orderly transfer of the Executive power in future transitions. The transfer of the Executive power involves significant changes in relationships within our own Government and with other governments of the world. Unless the transfer is smoothly effected it can interfere seriously with the conduct of essential governmental programs and policies, both at home and abroad. As President Truman said in a message to General Eisenhower shortly after the 1952 election :

I know you will agree with me that there ought to be an orderly transfer of business of the executive branch of the Government to the new administration, particularly in view of the international dangers and problems that confront this country and the whole free world.

The proposal to use public funds for the expenses of transition is based upon the proposition that properly preparing the President-elect and Vice-President-elect for office is in the national interest and that providing the necessary means should not be left to chance or informal arrangements.

The use of political party funds or private contributions does not seem to be the most desirable source of support for an activity of such great national import. It appears highly desirable therefore that the Nation as a whole provide for the support of necessary Presidential transition activities. The proposed Presidential Transition Act of 1963 would provide for those transition matters which may be dealt with appropriately in legislation.

Our postwar experience clearly indicates that orderly planning for the transfer of the executive power is in the national interest. Early action on H.R. 4638 would be desirable to assure that orderly transition is a permanent element of the functioning of the U.S. Government.

Mr. Chairman, that completes my formal statement. I would be glad to answer any questions.

Chairman DAWSON. Thank you.

Mr. Brown?

Mr. BROWN. I am sorry that I wasn't present when you started, Mr. Staats. I read your entire statement, and I think you have described the situation both adequately and well.

For a long time I have believed that some legislation of this type would be advisable; although, realistically I am of the opinion that you might possibly find political parties, and even presidential candidates, would be willing to say in advance that they would underwrite the Presidential transition costs if they were simply given the right to occupy the White House.

I have only one question in my mind and that is what do you think should be the limit on the amount authorized?

Mr. STAATS. Mr. Brown, you will recall we discussed this—

Mr. BROWN. Being in the Bureau of the Budget, you are interested in maintaining a sound economy and fiscal balance, I am sure. You haven't done too good a job of it, but—

Mr. STAATS. We have done our best.

Mr. BROWN. I am sure you want to come as close as you can to balancing the budget.

Mr. STAATS. You recall we discussed this matter last year at some length.

Mr. BROWN. Yes. The committee was rather favorably inclined. As I recall, we did have some limitation as to the amount of appropriation.

Mr. STAATS. The committee last year placed a limitation of \$750,000.

Mr. BROWN. That might be necessary in one case and not in another case.

Mr. STAATS. Since last year we have had an opportunity to do some further study of this matter in order to be as helpful as we could to this committee. We have made an analysis, and I believe that it is accurate to say that in our discussion last year we did not include some of the expenses that would be provided for in this bill.

Mr. BROWN. I think that is correct.

Mr. STAATS. For example, the Vice President. We made no provision for him; we just didn't think about that part of it. He would be covered. The Vice-President-elect would be covered here, as well as the outgoing Vice President. He would be covered for a period of 6 months for a windup of the affairs of his office.

The Democratic National Committee made a very rough calculation based upon a search of the records, which indicated that the expenditure for transition as directly as they could relate it was about \$360,000. That did not include several things. It did not include the expenses which were able to be borne by virtue of the fact that the President-elect was a Member of the U.S. Senate and was therefore logically able to use some of the staff that he already had in his office. This would not necessarily be true of another President-elect.

Several special studies were made for President-elect Kennedy in preparation for his taking over the reins of office in January. These were financed in some cases by arranging for having them printed by congressional committees; they were financed in some cases by getting free help from firms outside the Government. In some cases they got some foundation support. But it was a kind of hit-and-miss affair.

Mr. BROWN. Some come from Government agencies and departments, too.

Mr. STAATS. I couldn't vouch for this, but I am sure that some help undoubtedly was rendered.

Mr. BROWN. You should not know about that, anyhow.

Mr. STAATS. The point is that there was no regular fund here to provide for studies of that kind, which I would assume any President-elect would want to have made.

I have mentioned the Vice-President-elect's costs which we have not considered; also there is no residence, really, in being for a President-elect, which has been mentioned by Mr. Staebler. If it turned out, for example, that the President-elect were from the Midwest or the Far West, this could be a considerable factor.

In the case of President-elect Kennedy, he had a home here, being a Senator; so that he was able to use that as his residence. But consideration should be given to the fact that a President-elect would need a place that he could do business in.

Mr. BROWN. I believe you would agree that most hotels and lodging houses would give a pretty good rate to a President-elect in case he wanted to make his headquarters in such quarters until he became President.

Mr. STAATS. I assume that might be the case. But this \$360,000 does not take that into account.

Mr. BROWN. I understand. What would be your thought as to the total amount, if there should be a top limit placed?

Mr. STAATS. If it were the judgment of the Congress to have a top limit, we feel that a conservative figure would be about a million and a quarter. The exact figure which we have worked out based on our best estimate is about \$1,225,000.

Mr. BROWN. We will say \$1,250,000. That would be sufficient, where the party in control of the administration changes. You would have three situations at least.

You would face a situation where a sitting President would succeed himself and the transition costs would be fairly light as a result.

Mr. STAATS. If I may interrupt, there is a provision in the bill to prohibit any expenditure by a President who succeeds himself.

Mr. BROWN. I understand that. You face another situation where a President succeeds a President of his own party; that is, the same party controls the Government, but there would be changes just the same. There would be some transition. Then, of course, there would be a big transition should the party in control of the administration change. And that is where you think up to \$1,250,000 would be needed?

The reason I ask is that on page 7, section 5, of the bill there is no limitation whatsoever as to the authorization. The only limitation then would be as to what amount might be appropriated.

Even though I have great faith in the ability of Presidents to prophesy, I have known them to miss the boat sometimes on prophecies. A President would have to prophesy well ahead of even the nominating convention, as well as the election, as to what the situation was going to be in connection with the possible transition problem that might confront him following the November election.

In other words, the budget for fiscal 1965 would be submitted probably in January of 1964.

Mr. STAATS. That is right.

Mr. BROWN. To foresee what is going to happen in November, let alone who will be nominated in the convention in June or July, or as late as August—and now there is some talk we may have the convention in August—to attempt to prophesy and put into a budget the amount of money that would actually be needed just couldn't be done that far in advance.

So there would always be the top amount, whether it would be used or not. Naturally, the Appropriations Committees of the House and Senate wouldn't be meeting—unless there were an unusual situation—after a November election to make an appropriation to take care of the problem that would immediately arise with the election results becoming known from the November election. Therefore, the appropriations would have to go through probably by July or August, at the outside, before the election.

Don't you think there should be some limitation written in here simply as a safeguard or as a guide to the top limit? In other words, there should be the understanding that the other sections of the bill would to a certain extent, Mr. Chairman, restrict or control the expenditures that might be made under the law according to what conditions exist as a result of the election.

I am wondering if an amendment would not only be in order and proper, but perhaps helpful in a case like this. I see no reason why there should be any objection to the purpose of this bill. I think it is something that should be done. I don't think that any new administration coming in, or new President or Vice President, should be dependent upon a political organization or upon possible appointees, or any other source except the people themselves, through the Treasury, to meet these expenses.

The whole purpose of the legislation is all right, but I am wondering if it wouldn't be wise to have some limitation on the amount.

Mr. STAATS. As to whether it would be helpful I leave that to the committee's judgment which is in a far better position to judge than I.

Mr. BROWN. It would certainly limit the opposition.

Mr. STAATS. I do not think that the amount of money that we are talking about here is very large in relation to the importance or the purpose of the bill.

Mr. BROWN. No, it isn't large, but Congress persists an open-end authorization.

Mr. STAATS. I am quite aware of that.

Mr. BROWN. And, of course, your Budget Bureau preaches rather regularly, too, against these open-end authorizations. You would like to have it spelled out. You do that pretty much for Congress, yourselves.

Mr. STAATS. It is very difficult for me to oppose the idea—

Mr. BROWN. To oppose my suggestion; I understand that.

Mr. STAATS (continuing). —of a limitation that we have very frequently supported. On the other hand, I hope the limitation would not be so restrictive as to make it impossible—

Mr. BROWN. I am not suggesting that. I would be perfectly willing, as this committee knows, to make a generous limitation, as far as that is concerned, to meet any unforeseen development within reason.

Mr. STAATS. I believe the figure of \$1,250,000 is a very conservative figure.

Mr. BROWN. Yes.

Mr. STAATS. The figure of one and a half million—

Mr. BROWN. The way we are spending money, that doesn't mean much.

Mr. STAATS. Something of that kind, it seems to me, would leave adequate freedom to a new President. We have to assume that Presidents-elect may not all be the same in terms of their own personnel means. This has to be taken into account.

I personally saw a number of cases in both of the last transitions where individuals were brought in not only with great difficulty, but with personal hardship.

Mr. BROWN. That is true.

Mr. STAATS. It does not seem to me that this is the way a great country should run its affairs.

Mr. BROWN. I am not suggesting that we be penurious or anything of that sort.

Mr. STAATS. I know you are not.

Mr. BROWN. I am suggesting that we not have an open-end authorization and that the American public and the Congress both will understand that there is some limit as to what can be done and what can be spent; not that there is any likelihood that that limit will be exceeded, but nevertheless the safeguard is always there.

Mr. STAATS. That is right.

Mr. BROWN. It doesn't hurt anything to have safeguards.

That is all, Mr. Chairman.

Chairman DAWSON. Mr. Rosenthal?

Mr. ROSENTHAL. I am generally inclined to agree with everything my colleague has said; I think not only as a safeguard but also as a guide. What comes to mind is the question—Suppose we have an incumbent President who is in his first term and he anticipates reelection and his anticipation is in error and he is not reelected. In anticipation of his reelection, he makes no provision in his budget for such a fund, and then he is defeated in November. What happens then?

Mr. STAATS. The bill I think does provide that the President would include an amount of money in the presidential election year for this purpose.

Mr. ROSENTHAL. It is mandatory for him to do that?

Mr. STAATS. It would be mandatory under the wording.

Mr. ROSENTHAL. At the end of his first term? Does the bill provide that?

Mr. STAATS. In each presidential election year.

Mr. BROWN. But it does not have to be the top amount.

Mr. STAATS. That is correct.

Mr. BROWN. The President can make it any amount he desires.

Mr. STAATS. Your point is still valid in the sense that he might submit an amount that would be inadequate. In this respect I think Congressman Brown's thought is a good one, that a million and a half dollars authorization would carry with it some guidance as to what should be included.

Mr. ROSENTHAL. That is why I think his idea is a very good one, because we shouldn't leave the President at the end of his first regular term to conjecture whether or not he will be reelected. I think the guide should be in there. This would sort of make it available in the event his fortunes change.

I have no further questions.

The CHAIRMAN. Mr. Lanigan?

Mr. LANIGAN. Section 3(a)4 of the bill, page 4, specifically provides for the payment of travel expenses of members of office staffs and other assistants. There is no specific provision for the payment of the travel expenses of the President-elect or the Vice-President-elect themselves. Would the inclusion of a specific reference to the travel expenses of the office staffs cover the travel expenses of the President-elect and the Vice-President-elect themselves?

Mr. STAATS. In my statement, I referred to a suggested amendment by the General Services Administration which I believe covers this point, and we would support that change. I think your point is well taken.

Chairman DAWSON. Thank you very much.

Mr. Anderson?

Mr. ANDERSON. I have no questions.

Chairman DAWSON. Thank you very much.

Our next witness is Mr. H. W. Brawley, executive assistant to Chairman John Bailey, of the Democratic National Committee. Mr. Brawley.

STATEMENT OF H. W. BRAWLEY, EXECUTIVE ASSISTANT TO JOHN BAILEY, DEMOCRATIC NATIONAL COMMITTEE CHAIRMAN

Mr. BRAWLEY. Thank you, Mr. Chairman. I am appearing before this subcommittee as a representative of the chairman of the Democratic National Committee.

I wish to offer at this time to the record of these hearings a statement by John Bailey.

I regret a speaking tour in New York State which had been planned prior to your invitation to testify on H.R. 4638 prevents me from appearing before you in person.

I have asked my executive assistant, Mr. H. W. Brawley, to present my statement and answer your questions on my behalf.

As I understand it, H.R. 4638 is intended to relieve the political parties of expenses incurred by an incoming administration between the election and the inauguration of the President, and to defray these expenses by appropriations of Federal funds. The expenses incurred during this period are part of the orderly transfer of power from an outgoing administration to a new administration, and should properly be defrayed from Federal funds as part of the operation of the Federal Government.

This legislation has been recommended by the President and by the President's Commission on Campaign Costs. I should point out that the Commission was a nonpartisan group.

In 1960 the Democratic National Committee spent upward of \$350,000 to cover expenses incurred by the President-elect, the Vice-President-elect, and their staffs. This estimate includes salaries, hotels, office space, supplies, telephone expenses, and travel.

I should caution that this expense met by the Democratic National Committee is probably less than half of the actual costs of the transition period. It does not include out-of-pocket expenses or reimbursements for many of the task forces which worked during this period.

It does not include travel expenses of persons who traveled to Washington to discuss potential appointments or policy with the President-elect; expenses of Cabinet members and other appointees who were required to live in Washington while assembling their staffs and preparing to assume office. As I have said, these costs probably amount substantially more in cost to the Democratic National Committee.

In view of the increasing difficulty experienced by political parties in raising adequate funds to conduct a presidential campaign, it seems to me that the national committees of the two major parties should be relieved of the burden of these transition costs. For this reason I strongly urge favorable consideration by this committee of H.R. 4638 and I hope that it or a similar bill will be passed by the House and Senate and become law during this session of Congress.

Personally, I might add, the experience I have had with such transitions first as a staff director of the Senate Post Office and Civil Service Committee in 1952-53 and as Deputy Postmaster General designate in 1960-61, has provided me with a personal knowledge that such legislation is needed.

If you have any questions, Mr. Chairman, or members of the committee, I will be delighted to try to answer them.

Mr. BROWN. I have one question. Mr. Bailey doesn't suggest or infer that the Federal Government ought to pay the travel expenses of all the jobhunters who want to come to Washington to see the new President about getting on the payroll, does he?

Mr. BRAWLEY. Certainly not.

Mr. BROWN. It says that, doesn't it?

Mr. BRAWLEY. No, it does not.

Mr. BROWN. It says travel expenses hadn't been included in what the national committee paid, but were additional thereto. In other words, it is one thing for a President to call in people that he wants on his staff or he wants to name to a Cabinet position, and so forth and so on, and perhaps to pay their expenses if they can't afford to make the trip themselves. It is another thing to set up an agency of government that would pay the travel expense of anybody who might want to come down to Washington and see about getting a job.

Mr. BRAWLEY. I am certain, sir—

Mr. BROWN. If that happened, I might even have to vote Democratic so as to save myself from having a lot of Republicans on my neck, if they thought they could get their expenses paid down here to see about getting jobs under a Republican President.

Do you get what I mean?

Mr. BRAWLEY. I know exactly what you mean.

Mr. BROWN. Does anybody envision that this law would permit a thing like that, or that the money could be spent in such a way?

Mr. BRAWLEY. I am certain, sir, that the Democratic National Committee, Mr. Bailey and the officials here this morning, have no such intention.

Mr. BROWN. I understand. I am talking about what would be done under this law.

Mr. BRAWLEY. It couldn't be done under this law.

Mr. BROWN. Mr. Bailey seems to say that a part of the cost of the transition is the expenses of these people coming down to see about a job. Of course, that is a natural expense, but that should be at the expense of the jobhunter, the fellow who wants to get on the payroll.

Mr. BRAWLEY. He is referring, sir, to the Cabinet, and the high echelon staff of a President-elect.

Mr. BROWN. He doesn't quite say that.

Mr. BRAWLEY. The bill says, on page 3, Congressman Brown, section 2:

Payment of the compensation of members of office staffs designated by the President-elect or Vice-President-elect at rates determined by them—

Mr. BROWN. I understand that. That is his office staff. Let's go back to the statement you had by Mr. Bailey about people traveling down here to see about positions.

I want to be sure that it is understood in the committee record as to what we intend, at least, because, after all, this money will be available. We don't have a copy of his statement.

Mr. BRAWLEY. May I read it again?

Mr. BROWN. Yes.

Mr. BRAWLEY (reading) :

It does not include travel expenses of persons who traveled to Washington to discuss potential appointments or policy with the President-elect.

Mr. BROWN. That is, the \$360,000 did not include these expenses.

Mr. BRAWLEY. That is right.

Mr. BROWN. By inference, he seems to indicate that they ought to be included some way; therefore, they need more money.

Mr. BRAWLEY. Now who would be discussing a potential appointment with the President-elect?

Mr. BROWN. Oh, now. Every county chairman in Ohio might come down and say, "Mr. President, you ought to name so and so, Bill Smith, as postmaster."

Do you mean to tell me that it would be the position of even the Democratic National Committee that someone's travel expense ought to be paid because he is going to discuss a position with the President?

Everybody who comes to Washington wants to discuss a job with somebody most of the time.

Mr. BRAWLEY. That is not our position, sir. That is not Mr. Bailey's position.

Mr. BROWN. I just want to be sure the bill won't permit it.

It is one thing to pay the expenses of a person, Mr. Chairman, that the President designates to help him do these things. It is another thing to pay the expenses of everybody who may want to have the opportunity to serve the country. You would be surprised how many people would like that sort of an assignment.

Mr. BRAWLEY. May I refer you to page 4, then, sir, section 4?

Mr. BROWN. Yes.

Mr. BRAWLEY (reading) :

Payment of travel expenses and subsistence allowances for members of office staffs or other assistants, including experts or consultants, designated by the President-elect or Vice-President-elect, as authorized for persons employed intermittently or for persons serving without compensation by section 5 of the Administrative Expenses Act of 1946. * * *

Mr. BROWN. Does that mean, by the way, again taking into consideration what you read there about these people traveling here to consult the President, that all he has to do is send a little note to secure reimbursement of travel expenses for them?

You are talking to a member of the Democratic National Committee and member of the Republican National Committee who serve on this committee, so we have had a little experience between us. Of course, just send a little note up from headquarters, whether Republican or Democratic headquarters, and say, "You had better name this fellow as a consultant so he will be sure to get his expenses.

"We want to keep him sweet and happy." So the assistant clerk to the assistant secretary signs a little paper and the man gets his expenses and he is happy. He has been to Washington to see his President, or somebody else. That is the only thing I want, I want this thing airtight.

Mr. BRAWLEY. You couldn't do very much of that on a million and a quarter with the other expenses involved.

Mr. BROWN. I don't know. I have seen a lot of peculiar things done around here.

All right, Mr. Chairman, I just wanted to call it to the committee's attention. I wanted the matter in the record so we would understand what the committee, at least, hopes and desires will be the situation. I am not referring to the present administration.

Chairman DAWSON. He wouldn't do that.

Mr. BROWN. No.

Mr. ANDERSON. Would the gentleman yield?

With reference to this subsection 4, on page 4, maybe we should stick in a little proper advice on that only if these people subsequently do in fact become full-time members of the administration do they qualify for any of these "goodies" provided for here, for the payment of travel expenses.

Mr. BROWN. I don't anticipate payment of the expenses of everybody who comes to see the President for an appointment in Washington.

Mr. HENDERSON. We could make it a part of the report.

Mr. BROWN. The report should so designate. That should do it.

Mr. ANDERSON. Seriously I think you have raised a very important point. This could be abused and people who just wanted to get a free trip to see the Capital could qualify for some kind of temporary per diem under this language.

Mr. BROWN. You and I know from practical standpoint, Mr. Chairman, that all these appointments that are made are not handled personally by the President. If that were so, a lot of people who have jobs now would be out of work.

Mr. BRAWLEY. I must call your attention to the fact, referring to section 4, that this not only refers to members of staffs but consultants' travel expenses. If you put such a limitation as you suggested just a moment ago, people who served with distinction in 1960-61, for instance, Clark Clifford, the former General Counsel in the Truman administration, who served as a consultant—

Mr. BROWN. You wouldn't object to some statement in the report, at least, that would pin down the purpose and intent of this section, would you?

Mr. BRAWLEY. No, I don't think so.

Mr. BROWN. I wouldn't think so.

Mr. ANDERSON. I don't want to rule out temporary employment entirely. There are cases where people would be on a legitimate trip basis as consultants.

Mr. BRAWLEY. They are not even interested in employment eventually.

Mr. ROSENTHAL. I am in agreement. I think the fact that the President-elect would be limited by one and a half million dollars or whatever limitation the Congress would put on, would make him want to spend that money wisely for his own benefit. I don't think any county chairman would have free license to send people down here on a free ride.

I think perhaps it certainly is valuable to make sure the President accounts for this fund. I think his own motivation would be more than adequate to see that he gets the maximum use out of this.

I doubt that any local political organization would be in any position to take advantage of this.

It is unfortunate that the wording in that statement did permit the inference that Mr. Brown logically drew, because when I heard you say that I felt the same way. But I am positive that neither Mr. Bailey, nor yourself, nor the Democratic National Committee, nor any responsible citizen, would suggest that Federal funds be used to pay the travel expenses of people soliciting jobs in Washington.

I am sure that Mr. Bailey intended, as does this committee, that those funds be used to serve a legitimate purpose, governmental purpose of the President-elect. I wouldn't want this hearing to in any way leave the impression that either Mr. Bailey or his representative would indicate anything contrary to what I have said, that they want these funds used for a purely governmental purpose in advancement of the office of the President-elect.

Mr. BROWN. The testimony is that it is not their intent and purpose. You wouldn't object if it were spelled out in the report?

Mr. ROSENTHAL. No, I wouldn't at all. I sort of jerked my ears at the same point that you did, and I think it was nothing more than a slip of the typewriter, because I am positive that Mr. Bailey or the Republican National Chairman would never intend that jobholders have a free ride.

I think they have enough trouble with people in Washington as it is than to solicit applications by offering free trips.

Chairman DAWSON. Mr. Anderson?

Mr. ANDERSON. I have no further questions, Mr. Chairman.

Chairman DAWSON. Thank you very much, Mr. Brawley.

Mr. BRAWLEY. You are welcome.

Chairman DAWSON. Our next witness is Mr. Herbert E. Alexander, former Executive Director of the President's Commission on Campaign Costs.

STATEMENT OF HERBERT E. ALEXANDER, WHITE HOUSE CONSULTANT; FORMER EXECUTIVE DIRECTOR OF THE PRESIDENT'S COMMISSION ON CAMPAIGN COSTS

Mr. ALEXANDER. Mr. Chairman, I have a very brief statement.

Mr. Chairman and members of the committee, I am pleased to be here today to inform you of a recommendation of the President's Commission on Campaign Costs, upon which the bill before you (H.R. 4638) is based. I was Executive Director of the Commission, and since it no longer exists, I am a consultant to the President on matters pertaining to Commission business.

The Commission was established by Executive order of the President, 10974, on November 8, 1961, and expired on November 1, 1962. The bipartisan Commission consisted of nine members with varied and extensive experience in political finance.

The Commission was asked by the President to make "recommendations with respect to improved ways of financing expenditures required of nominees for the offices of President and Vice President." Its report to the President was made on April 18, 1962. The report contained 12 recommendations which were designed to alleviate the important problem of campaign costs. The bill before you is based on a Commission recommendation and was transmitted to the Congress by the President on May 29, 1962.

Of the many areas of concern to the Commission, none so clearly demanded remedy as the means of meeting the costs of the President-elect and Vice President-elect from Election Day until Inauguration Day. Traditionally, the political parties have had to pay the costs of the President-elect and Vice President-elect during the transition period. Though Commission jurisdiction was confined to considerations of political cost, individual Commissioners expressed the opinion that the public has an immense stake in the orderly transfer of executive power and there are important reasons, aside from costs, to institutionalize the change in party power from one administration to another.

Accordingly, the Commission undertook to consult with several individuals who had experience in facilitating the transition period from November 8, 1960, through January 20, 1961. A meeting was held with Mr. Clark M. Clifford, Washington attorney who had represented President-elect Kennedy, and Mr. Gerald D. Morgan, who as Deputy Assistant to President Eisenhower had represented, along with Gen. Wilton B. Persons, the outgoing administration of President Eisenhower. Other participants were Mr. Elmer B. Staats, Deputy Director of the Bureau of the Budget, and Mr. Laurin L. Henry, Research Associate at the Brookings Institution and author of a book entitled "Presidential Transitions." Mr. Staats and Mr. Henry had previously participated in conferences held at the Brookings Institution directed to the processes of transition.

While I cannot presume to speak for these individuals, the Commission drew the conclusions from the consultations that it was imperative to assure during future transition periods continuity in the execution of the laws and the conduct of the Government, and to avoid any disruption, and that it would be in the public interest to provide Government funds to facilitate the orderly conveyance of political power and to help the incoming President in his preparations to assume that power on January 20.

Thus the members of the Commission agreed unanimously that the affairs of the President-elect should properly be considered as the affairs of the Government, and should be financed accordingly—by the Federal Government. They agreed that too much is at stake to risk continued reliance upon party or private funds for this purpose, to risk the skimping and saving that could result if sufficient funds were not available. They agreed that there was a certain indignity in a system requiring that party solicitors seek out private contributions to support the necessary activities of the President-elect of the United States.

If enacted, H.R. 4638 would serve to reduce a bit the National Committee's need for funds from Election Day to Inauguration Day, and it would alleviate the need for raising special funds to cover costs for the 10-week period of the transition.

In its report, the Commission noted that in 1952-53, the cost to a special Republican committee of the transition period between the election and the inauguration exceeded \$200,000, and in 1960-61, the cost to the Democratic National Committee totaled at least \$360,000. These funds were used largely to pay for office space, communications, staff salaries, and transportation and, by the way, I have a breakdown of those figures if the committee wishes to have them.

I respectfully point out that these estimates are low because they do not cover many costs that rightfully should be assumed by the Federal Government—

Mr. ROSENTHAL. You are coming into troubled waters with the next sentence.

Mr. ALEXANDER. But in the past have been most frequently paid by the individuals involved. I refer specifically to the expenses of an individual called to Washington by the President-elect to discuss potential policies or appointments; the expenses of Cabinet and other appointees, who, while assembling their staffs and preparing to take office, must live in Washington for weeks; the cost of preparing policy and position papers requested by the President-elect.

The financial burden for many individuals who agree to become public servants is great. Often they accept Government positions at great sacrifice. There is no need to further burden them with undue expenses. And there is no reason to embarrass those persons who cannot afford to bear such costs but would willingly give their time and energy to Government service.

I conclude by noting that H.R. 4638 meets the recommendations of the Commission on Campaign Costs in every respect. I want to point out that the report received the endorsement of former Presidents Harry S. Truman and Dwight D. Eisenhower, and of former presidential candidates Thomas E. Dewey, Adlai E. Stevenson, and Richard M. Nixon. At the time of its publication, the full report of the Commission received the endorsements of the chairmen of the two major political parties, John M. Bailey and Congressman William E. Miller.

Thank you.

Chairman DAWSON. Mr. Brown?

Mr. BROWN. I don't think I have any particular question to ask.

Chairman DAWSON. Mr. Rosenthal?

Mr. ROSENTHAL. I have no questions. I mention again, the point Mr. Brown picked up and with which I agree, I am sure you do not intend that this money be used to pay the carfare of anyone coming to Washington who has either been offered or is soliciting an appointment. Do you have an intention along those lines?

Mr. ALEXANDER. Well, I think, sir, that there are cases where it might be necessary or desirable that the President-elect designate, perhaps as a consultant, a university professor who may come here to discuss potential appointment or to discuss policy with the President-elect. And if the President-elect does designate that person, I should think that under this bill his expenses would be paid.

The President-elect may then decide to appoint him to office. As I recall, President-elect Kennedy did not know many of the individuals who he finally did appoint.

Mr. ROSENTHAL. I don't agree with you. I really don't think the carfare of anybody should be paid who has been offered a job. I hope the record doesn't indicate anything like that because I think we will have a very difficult time getting this bill passed if anyone suggests that that is the case.

Mr. BROWN. I think your opinion is about the same as my own; that is, if a man, we will say in New Orleans, is offered a Cabinet position and then he begins to go back and forth to get ready to take that posi-

tion after he has been appointed, or after he has been designated, then his expenses would be covered under this legislation. If it were just a matter of seeking a job or calling him up to talk about it, "would you like to have it?" or "who do you suggest should have it?"—that is a different matter again.

Mr. ROSENTHAL. I agree with you. I don't think we should let this get out of this committee with any thought or inference at all that the Government would pick up the travel expenses of anybody coming to Washington, either soliciting or who has been offered a job. If the fellow has expenditures, travel expenditures in the course of his duties while in the administration of this interim period, that is an entirely different story.

Mr. BROWN. Or while he is learning his job after appointment.

Mr. ROSENTHAL. I don't think we should suggest to the House or to anyone outside the House that they can hope, if they solicit a job, and if they are lucky enough to get it, that they will be reimbursed for their travel expenses.

Mr. ANDERSON. Mr. Chairman, I want to indicate for the record my complete agreement with my colleague from New York. I think this is a sufficiently important matter that we ought to see if we couldn't spell this out in some language in the bill, somehow, to do away with the idea that this is going to bring back the spoils system with a vengeance by urging people to come down here merely for the purposes of job solicitation.

I think we ought to give some thought to seeing if we can't, with appropriate legislative language, incorporate that idea of Mr. Rosenthal's and Mr. Brown's.

Mr. ROSENTHAL. It is Mr. Brown's idea, not mine.

Mr. ANDERSON. I think we are all in agreement apparently.

Mr. ALEXANDER. I think the committee and the Congress may well find it desirable to either change the language or to make some note in the report of this committee as to the intent of the Congress.

Mr. ANDERSON. I think it had better be in the language of the bill.

Mr. ALEXANDER. On the other hand, I would suggest that there are cases, as I recall, for example, President-elect Kennedy called David Bell to Washington. I know that Mr. Bell was then appointed Director of the Bureau of the Budget. Mr. Bell was a university professor and may not have had the means even for that one day to pay expenses to come to Washington and talk to the President-elect. It is conceivable that the President might not have appointed Mr. Bell, in which case Mr. Bell would have been out those funds.

So that it would seem to me that it could be within the discretion of the President-elect as to whether he wants to designate a person as a consultant to come for that day.

Mr. ROSENTHAL. If he is designated as a consultant to render service to the President in the formulation of administrative policy, it is one thing. If he is coming because he has either been offered or is soliciting a job, that is another thing. If an individual unfortunately can't afford the carfare to come here, this is a personal matter. I don't think it should become a Government matter. We shouldn't be asked to sell this bill with any thought at all that anyone coming to Washington can, if he is lucky enough to get the job, anticipate reimbursement. Regarding anyone coming here, I think the modest

investment of the carfare, no matter what his personal circumstances—the honor of even being considered—is sufficient incentive to come here and expend the money.

Forgetting my own philosophy, we shouldn't let this get out of this committee in any way with the idea to the Congress or to the public at large that someone soliciting a job can anticipate travel reimbursement. This would be disastrous. You wouldn't have a bill.

Mr. BROWN. I think there is a lot to what you say. There would be opposition on the floor of the House if they thought it was going to do those things.

I have had a little experience with Presidents in my own party, and I am sure you have, Mr. Chairman. They sometimes like to know whom you recommend in a State, or this and that. But I have never had the idea that I would be reimbursed. Have you?

Chairman DAWSON. No; I haven't.

Mr. BROWN. I haven't been reimbursed.

Mr. HENDERSON. Mr. Chairman, could I ask Mr. Seidman a question?

In the light of the discussion, Mr. Seidman, you wouldn't see anything in this legislation that would prohibit either a President-elect or his political party from continuing to spend funds that they thought should be expended to assist this purpose, supplemental to those that might be appropriated by the Government?

**STATEMENT OF HAROLD SEIDMAN, ACTING ASSISTANT DIRECTOR
FOR MANAGEMENT AND ORGANIZATION, BUREAU OF THE
BUDGET**

Mr. SEIDMAN. That is correct.

Here I would like to clarify something, having also, as Mr. Staats, lived through a number of transitions, I think there is an underlying assumption that you have a vast number of people who are seeking high jobs within the Government. There may be. But those aren't necessarily the ones that the President-elect wants to consider. You do have to bring people to Washington whom the President-elect may not know and who are not seeking jobs.

During both the Eisenhower administration, at the Commodore Hotel in New York, and during the Kennedy administration, with the President-elect at Palm Beach, a large number of people were brought in, some who could afford it and some who could not, who were being considered—maybe they didn't even know it—for positions within the Government.

Mr. ROSENTHAL. In past years has the Democratic National Committee picked up the tab for their travel?

Mr. SEIDMAN. I don't know whether the Democratic National Committee did.

Mr. ROSENTHAL. Do you know?

Mr. ALEXANDER. In some cases they did and in others they did not.

Mr. ROSENTHAL. You would now suggest that the Federal Government go beyond what the Democratic National Committee did?

Mr. SEIDMAN. I would suggest, yes. One of the most important tasks facing an incoming President is selecting his top official family.

We should enable him to pay the expenses of these people he would want to bring in to talk, where they couldn't afford it; they shouldn't pay this out of their own pockets.

Mr. ROSENTHAL. I think you are on entirely weak ground.

Mr. ALEXANDER. If you are talking about bringing a professor from the State of California, you are talking in the realm of \$400 or \$500 to get here and stay for a day or two.

Mr. ROSENTHAL. What is his purpose in coming?

Mr. ALEXANDER. If he is called by the President-elect, it would seem to me that if there is cause to designate him as an expert, or as a consultant, to talk over policy, or to talk over possible appointment, then, under this bill, there is no reason why he could not be so designated and why the Government could not pay his expenses; \$400 or \$500 for a fellow from California is a lot of money.

Mr. ROSENTHAL. You are going into a gray area. The point is, if a man is designated as a consultant to render an assistance in policy-making, that is a different story as compared to a man soliciting a job.

Mr. ALEXANDER. This is a very fuzzy distinction.

Mr. BROWN. Off the record.

(Discussion off the record.)

Mr. SEIDMAN. This is all at the direction of the President-elect or the Vice-President-elect. It is those people whom he designates. Where he requests that some one come in and that he wants to talk to he may not even know him; he may want to size somebody up.

Mr. ROSENTHAL. I think the million-and-a-half limitation will make the President spend the funds wisely. I don't believe the bill should leave this committee with any thought that anyone could draw the inference that some of you, I think, have suggested.

Mr. SEIDMAN. I think a major purpose, we should make it clear, and intent of the bill would be defeated if it would make it impossible for an incoming President to bring to Washington or wherever he is, those people whom he wants to consider for appointment for the principal posts within the administration. Some of them, after talking to them, he may want to come on as consultants during the interim period. This is one of his most difficult jobs at the beginning. The person he brings in to talk may not even have a job in mind. I think there are situations where the job seeks the man, rather than the man seeking the job.

Mr. ANDERSON. Shouldn't that man, if he is being considered for a high Government post on Cabinet or sub-Cabinet level, be willing to contribute so much? Have we departed so much from the principle of sacrifice that you have to pay people for every doggoned thing he does? To me this destroys the wholly good objective of this bill.

If you get down to nit-picking and say that you have to pay every last person's carfare to come down here, then this isn't the great bill I thought it was when we started out.

Mr. SEIDMAN. This is a matter of what is equitable and what isn't. Some could easily finance the costs out of their own funds, and would be glad to do it; to others it could be a great hardship, and it was in previous transitions. I think people have done this at their own personal sacrifice. I don't think the Government really should be niggardly where a person can't afford to pay—someone who can't afford to go into debt.

Mr. ROSENTHAL. You are making a stand on the weakest issue possible on this bill. I think it is up to the committee to enunciate the congressional policy.

Mr. ALEXANDER. It is up to the committee and the Congress. There is a principle involved here that first the designation be made by the President-elect because he wants to call this person in to discuss some matter with him. He may have an appointment in mind or he may not have an appointment in mind. He may merely want to discuss policy, but in any case, the principle involved is that there should be no reason why that individual should have to pay for that trip out of his own pocket.

Mr. ROSENTHAL. If the man is lucky enough to get the job, I think he should, in good grace, accept it. If he doesn't get the job and is a consultant, that might be a different story.

Chairman DAWSON. We have some amendments submitted, one from the Post Office Department, another from the U.S. Civil Service, one from the General Services Administration.

Mr. BROWN. I don't think we should take them up today.

Chairman DAWSON. I will have copies of these submitted to you gentlemen.

(Discussion off the record.)

Chairman DAWSON. This has been a very interesting discussion. We will hold the record open for the statement which is to be submitted to us by Mr. Miller.

(The letter and statement referred to follow :)

REPUBLICAN NATIONAL COMMITTEE,
Washington, D.C., April 23, 1963.

HON. WILLIAM L. DAWSON,
Chairman, Subcommittee on Executive and Legislative Reorganization, Committee on Government Operations, U.S. House of Representatives, Washington, D.C.

DEAR CONGRESSMAN DAWSON: Thank you for your letter of April 10, 1963, requesting my views on H.R. 4638, the proposed Presidential Transition Act of 1963.

I endorse this bill, although I am suggesting a few modifications. The endorsement and the suggested amendments are contained in the enclosed statement which you may wish to enter into the record of your hearings.

Sincerely yours,

WILLIAM E. MILLER.

STATEMENT OF HON. WILLIAM E. MILLER, CHAIRMAN, REPUBLICAN NATIONAL COMMITTEE

Mr. Chairman, members of the Subcommittee on Executive and Legislative Reorganization, thank you for the opportunity to present my views on H.R. 4638, the proposed Presidential Transition Act of 1963.

This bill would authorize the General Services Administration to provide services and facilities for the President-elect and the Vice-President-elect during the transitional period between the election and the inauguration of the new President and Vice President, and for the former President during the period immediately following the expiration of his term of office.

The two-and-a-half-month period between the election of a new President and his taking office is an immensely complex one. The new President must recruit his staff and the members of his administration. He must familiarize himself with the details of Government and of policy. He must be prepared to cope with any domestic or foreign crisis which may occur immediately upon his taking office. He must know the complexities of the Federal budget under which he must operate for his first 5 months in office, and of the budget which will be proposed to the Congress just before he is inaugurated.

The costs of this transitional period are large. A student of Presidential transitions, Dr. Laurin L. Henry, of the Brookings Institution, has estimated that the direct and indirect costs of the 1960-61 transition, including approximations of the costs to volunteers and advisers, totaled between \$500,000 and \$600,000. Yet, despite the fact that the period of preparation for the incoming Chief Executive is essential to the continuity of the Federal Government, the costs involved have had to be borne by the President-elect, by his political party, or by some other nongovernmental organization. The situation imposes an undue hardship upon the new President, especially when it is realized that the benefits of an orderly transition of Executive power accrue to all of the people while the expenses of the transition must be paid by a few.

It is the intent of H.R. 4638 that the Government shall assume these expenses. I concur with this intent and with the provisions of sections 1, 2, and 3.

I concur also with the intent of section 4, dealing with expenses incurred by the former President for the 6 months following the expiration of his term. I believe, however, that some expansion of this section is necessary.

H.R. 4638 provides that the former President and Vice President be provided services and facilities similar to those given the President-elect, with the limitation that the period in which these services are provided is limited to 6 months. This should be increased to 9 months. The period immediately following his leaving the White House is probably the busiest time of the former President's post regnum. The conclusion of his affairs of office could be made under somewhat less pressure than is currently the case if the period of governmental services were increased. Following this period, the allowance provided under the act of 1958 can probably take care of the former President's expenses, with one amendment.

This act provides an expense allowance of \$50,000 to the former Chief Executive. This should be raised automatically whenever the salaries of Federal employees are increased by the same percentage as that of the Federal salary increase.

Finally, I would suggest that the franking privilege given to past Presidents under the act of 1958 be amended to include airmail. Anyone who has ever sent a letter by surface mail to the west coast, Hawaii, or Alaska knows how long it takes for that letter to arrive. Former Presidents should be permitted to send mail by the fastest method.

Mr. Chairman, I endorse the provisions of sections 1, 2, and 3 in toto. I endorse section 4, but I hope that it will be amended to include the changes which I have suggested. This is important legislation. I hope that it will be enacted into law in this session of the Congress.

Thank you.

(Whereupon, at 11:41 a.m., the subcommittee was adjourned.)

APPENDIX

(Reports from departments and agencies on H.R. 4638.)

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, March 19, 1963.

Hon. WILLIAM L. DAWSON,
*Chairman, Committee on Government Operations,
House of Representatives*

DEAR MR. CHAIRMAN: Your letter of March 8, 1963, acknowledged March 11, requests our comments on H.R. 4638, to promote the orderly transfer of the Executive power in connection with the expiration of the term of office of a President and the inauguration of a new President.

The legislation is requested by the President and is based upon recommendation No. 8 of the President's Commission on Campaign Costs established by Executive Order No. 10974, 26 F.R. part 11, page 10585 (November 1961). The recommendation reads as follows:

"In 1952-53, the cost to a special Republican committee of the transition period between the election and the inaugural exceeded \$200,000. In 1960-61, the cost to the Democratic National Committee totaled at least \$360,000. These funds were used largely to pay for office space, communications, staff salaries, and transportation. These costs have increased the financial pressures on the parties. They are not partisan costs, however, and they should not be a charge on the parties. The persons primarily involved are no longer candidates for office; they are the President-elect and Vice President-elect of the United States.

"We endorse proposals to 'institutionalize' the transition from one administration to another when the party in power changes. Important reasons for doing so exist wholly aside from the costs to the parties. The new President must select and assemble the staff to man his administration, and they in return must prepare themselves for their new responsibilities.

"We recommend that the outgoing President be authorized to extend needed facilities and services of the Government to the President-elect and his associates. We also recommend that funds be appropriated, to be spent through normal governmental channels, for that purpose."

To carry out the recommendation, the bill would vest in the Administrator of General Services the authority to provide, upon request, to each President-elect and each Vice-President-elect necessary services and facilities, including suitable office space, payment of staff salaries, travel expenses, communications services, printing and binding, and postage, subject to appropriations provided therefor, during the transition period between election and inauguration. The bill also would authorize the Administrator of General Services to provide, upon request, to each former President and each former Vice President, for a period not to exceed 6 months from the date of the expiration of his term of office as President or Vice President, for use in winding up the affairs of his office similar services and facilities which shall be in addition to those authorized by the terms of Public Law 85-745.

The subject matter of the bill relates to matters of policy on which the General Accounting Office has no special information. We therefore have no comments to offer with respect to its merits or recommendation regarding its enactment.

Sincerely yours,

JOSEPH CAMPBELL,
Comptroller General of the United States.

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., April 24, 1963.

Hon. WILLIAM L. DAWSON,
Chairman, Committee on Government Operations,
House of Representatives.

DEAR MR. CHAIRMAN: This is in further reply to your request of March 8, 1963, for the Commission's views and recommendations with respect to H.R. 4638, a bill to promote the orderly transfer of the Executive power in connection with the expiration of the term of office of a President and the inauguration of a new President. Our comments are limited to those provisions relating to Federal personnel management.

Subsection 3(a)(2) authorizes the compensation of members of the President-elect's and the Vice-President-elect's office staffs at rates not to exceed the rate for grade GS-18 of the Classification Act. This subsection provides that Government employees may be detailed to the staffs on a reimbursable or nonreimbursable basis, with the consent of the agency head. Employees so detailed would receive the compensation appropriate for their regular positions and would retain the rights and privileges of their regular employment without interruption. We have no objection to these provisions.

This subsection also would permit the employment and compensation of persons, other than those detailed from agencies, outside the civil service laws and the Classification Act. In view of the temporary nature of the office staffs, we have no objection to these provisions.

Section 4 of the bill authorizes the employment of office staffs for former Presidents and former Vice Presidents for a period not to exceed 6 months from the date of expiration of their terms.

The act of August 25, 1958, 72 Stat. 838, specifically provides that members of permanent office staffs for former Presidents are held and considered to be employees of the United States for purposes of the Civil Service Retirement Act, the Federal Employees' Compensation Act, and the Federal Employees' Group Life Insurance Act of 1954. The Commission has held that such persons are also eligible for coverage under the Federal Employees Health Benefits Act of 1959.

In the interests of equity and consistency, we believe that all employees on the staffs of incoming or outgoing Presidents and Vice Presidents, whether on detail or by appointment, should be held and considered to be employees of the United States for purposes of retirement, life insurance, and health benefits. Persons appointed for less than a year would be excluded from coverage by Commission regulations except where coverage is retained by continuity with other Federal employment. Persons temporarily appointed, without continuity, would be entitled to credit for retirement purposes if they later acquired coverage in other employment.

While the Civil Service Commission does not administer the Federal Employee's Compensation Act, in the interests of equity and consistency, the employees of the staffs of incoming or outgoing Presidents and Vice Presidents should be covered by such act.

In light of the temporary nature of the staffs to be provided to former Presidents and Vice Presidents and for the sake of consistency, the Commission believes appointees to such staffs should be employed and compensated outside the civil service laws and the Classification Act, as are members of the permanent office staffs of former Presidents.

To accomplish these objectives, two amendments should be made to H.R. 4638. Section 3(a)(2) should be amended by inserting before the semicolon at the end thereof "except for purposes of the Civil Service Retirement Act, the Federal Employees' Compensation Act, the Federal Employees' Group Life Insurance Act of 1954, and the Federal Employees Health Benefits Act of 1959." Section 4 would be amended by adding at the end thereof "Notwithstanding any other law, persons appointed under authority of this section shall not be held or considered to be employees of the Federal Government except for purposes of the Civil Service Retirement Act, the Federal Employees' Compensation Act, the Federal Employees' Group Life Insurance Act of 1954, and the Federal Employees Health Benefits Act of 1959."

Subsection 3(a)(3) provides for the payment of expenses for the procurement of experts and consultants or organizations thereof for the President-elect or Vice-President-elect, at rates not to exceed \$100 per day for individuals, as authorized for the heads of departments by section 15 of the Administrative

Expenses Act of 1946, as amended (5 U.S.C. 55a). We have no objection to this subsection.

Subsection 3(a)(4) authorizes payment of travel expenses and subsistence allowances for members of the office staffs or other assistants, including experts and consultants, as authorized for persons employed intermittently or for persons serving without compensation by section 5 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. 73b-2). We have no objection to this provision.

The Bureau of the Budget advises that there is no objection to the submission of this report and that enactment of this legislation would be consistent with the administration's objectives.

By direction of the Commission :

Sincerely yours,

JOHN W. MACY, Jr., *Chairman.*

GENERAL SERVICES ADMINISTRATION,
Washington, D.C., April 24, 1963.

Hon. WILLIAM L. DAWSON,
Chairman, Committee on Government Operations,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Your letter of March 8, 1963, requested the views of the General Services Administration on H.R. 4638, 88th Congress, a bill to promote the orderly transfer of the Executive power in connection with the expiration of the term of office of a President and the inauguration of a new President.

The purpose of the bill is indicated in its title.

H.R. 4638 would authorize the Administrator of General Services, upon request, to provide for the President-elect and the Vice-President-elect suitable office space, appropriately furnished and equipped; payment of the compensation of office staffs, experts, and consultants; travel expenses; printing and binding expenses; communication services; and reimbursement to the postal revenues.

The bill also provides that identical services be rendered to each former President and former Vice President for a period of 6 months commencing on the date of the expiration of their term of office.

Although the intent of the bill as stated in the preamble is clear as to the general scope of services to be rendered Presidents-elect and Vice-Presidents-elect, we believe that certain technical amendments are desirable in order to clarify the authority to be vested in GSA.

With respect to the payment of expenses incidental to travel, including that of persons coming within the provisions of the Administrative Expenses Act of 1946, as amended (5 U.S.C. 73b-2), it is recommended that subsection 3(a)(4) on page 4 of the bill be amended to read:

"Payment of travel expenses and subsistence allowances, including rental of Government or hired motor vehicles, as found necessary by the President-elect or Vice-President-elect, and as authorized for persons employed intermittently or for persons serving without compensation by section 5 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. 73b-2), as may be appropriate;"

We believe that subsection 3(a)(6) would be more effectively stated as follows:

"Payment of expenses for necessary printing and binding, without regard to the provisions of the Act of March 1, 1919, as amended (44 U.S.C. 111);"

The following amendments to subsection 3(d) of the bill would resolve a question as to whether the bill is intended to provide for the use of airmail:

(1) On page 6, line 1, insert a comma after the word "matter" and insert immediately thereafter "including airmail," and

(2) On page 6, line 8, insert a comma after the word "matter" and immediately thereafter insert "including airmail,".

It is further recommended for your consideration that the following amendments as to substance be incorporated into section 4 of the bill:

(1) On page 7, line 13, insert a period following the words "Vice-Presidents-elect" and strike out the balance of this section, and

(2) Immediately after said period add the following sentence: "The provisions of the Act of August 25, 1958 (72 Stat. 838, 3 U.S.C. 102, note), other than subsections (a) and (e), shall not become effective with respect to a former President until six months after the expiration of his term of office as President."

The purpose of these recommended amendments to section 4 is to delay for 6 months the operation of the act of August 25, 1958, except for the provisions for an annual \$25,000 allowance to former Presidents and except for a pension to the widows of former Presidents. H.R. 4638 provides for furnishing services and facilities similar to those specified in the 1958 act. The simultaneous administration of two acts, providing for similar services, would generate considerable fiscal and management problems requiring a former President to designate under which act he was requesting services and facilities. Adoption of these recommended amendments to section 4 would obviate such problems.

With respect to a related problem, we wish to advise you that we are concerned at the prospect of being required to abruptly terminate the services and facilities provided to a former President under the act of August 25, 1958, upon his death. It seems logical to assume that a reasonable time thereafter would be required for the staff properly to wind up the affairs of the former President's office. It appears that at present no statutory authority exists for the continuance of such services, and that consequently the staff may not be paid from Government funds after the death of a former President, nor can the Government pay for the cost of the necessary supporting services and facilities. Each former President is entitled to benefits under the 1958 act "as long as he shall live," and no mention is made either in the act or in the legislative history which would indicate that any of these benefits are to continue at Government expense after his death. Similar problems could be anticipated if a former President should die during the 6-month period after his term of office expires under the provisions of H.R. 4638, if enacted.

Prudence and considered judgment dictate the advisability of the Government maintaining the staff of a former President for a period not exceeding 60 days after his death for the purposes of winding up the affairs of his office in an orderly manner befitting the dignity of the Presidency and of assuring that the Nation will not be denied the benefits of the former President's papers and other recorded activities because of the precipitate dispersal of his office staff.

If the committee wishes to consider further amendments to the bill with respect to the aforementioned problem, we will be pleased to furnish appropriate language.

Subject to the foregoing amendments, GSA recommends the enactment of H.R. 4638. The financial effect of the enactment of this measure cannot be estimated by GSA at this time.

The Bureau of the Budget advises that there is no objection to the submission of this report and that enactment of the bill would be consistent with the administration's objectives.

Sincerely yours,

LAWSON B. KNOTT, Jr., *Acting Administrator.*

POST OFFICE DEPARTMENT,
OFFICE OF THE GENERAL COUNSEL,
Washington, D.C., April 23, 1963.

HON. WILLIAM L. DAWSON,
Chairman, Committee on Government Operations,
House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: The Postmaster General has asked me to reply to your request for a report on H.R. 4638 which would, among other things, entitle a President-elect to transmit free of postage as penalty mail, and the Vice President-elect as franked mail, all mail matter sent by them in connection with their preparations for the assumption of official duties.

Section 3(a)(7) of the measure provides that the postal revenues shall be reimbursed for the postage that would otherwise be payable. We have, therefore, no objection to the enactment of this measure.

We suggest, however, that since this Department is reimbursed for the postage, the words "free of postage" in section 3(d) in lines 1 and 7 of page 6 of the bill be deleted as unnecessary.

We have been advised by the Bureau of the Budget that from the standpoint of the administration's program there is no objection to the submission of this report to the committee.

Sincerely yours,

LOUIS J. DOYLE, *General Counsel.*